**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
0003.0577/PC23195B

In re Application of: Beyerinck et al.

Application No.: 10/766,651

Filed: 01/27/2004

For: METHOD FOR MAKING HOMOGENEOUS SPRAY-DRIED SOLID AMORPHOUS DRUG DISPERSIONS UTILIZING MODIFIED  
SPRAY-DRYING APPARATUS

The owner\*, Bend Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,973,741 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

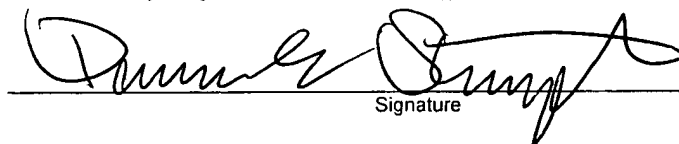
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 28,763

  
Signature5/26/09  
Date

Dennis E. Stenzel

Typed or printed name

(503) 278-3304

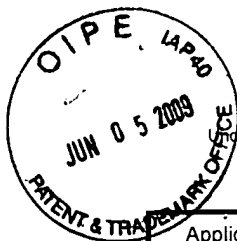
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Bend Research, Inc.

Application No./Patent No.: 10/766,651

Filed/Issue Date: 1/27/2004

Entitled: **METHOD FOR MAKING HOMOGENEOUS SPRAY-DRIED SOLID AMORPHOUS DRUG DISPERSIONS UTILIZING MODIFIED SPRAY-DRYING APPARATUS**

Bend Research, Inc.

, an Oregon corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Ronald A. Beyerinck, Heather L.M. Deibele, Dan E. Dobry, Roderick J. Ray, Dana M. Settell and Ken R. Spence To: Bend Research, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0553.

2. From: Bend Research, Inc. To: Pfizer Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0548, and Reel 013575 Frame 0336.

3. From: Pfizer Inc. To: Pfizer Products Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013460, Frame 0544, and Reel 013575, Frame 0332.

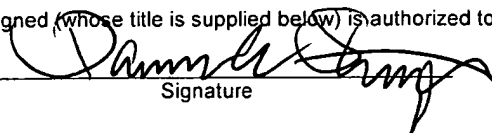
4. From: Pfizer Inc. and Pfizer Products Inc. To: Bend Research, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 021998, Frame 0880.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

5/26/09  
Date

Dennis E. Stenzel  
Printed or Typed Name

(503) 278-3304  
Telephone Number

Attorney for Applicant  
Title

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION EXAMINING OPERATIONS

**POWER OF ATTORNEY**

I, Bruce W. DeKock, declare that I am authorized to execute this document on behalf of BEND RESEARCH, INC., an Oregon corporation, which is the assignee of the entire right, title and interest in and to the patents and applications set forth on Exhibit A hereto and hereby appoint the practitioners of the firm of CHERNOFF, VILHAUER, McCLUNG & STENZEL L.L.P. associated with Customer Number

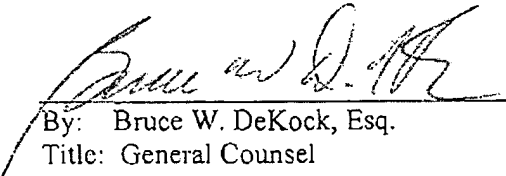
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of 601 S.W. Second Avenue, Suite 1600, Portland, Oregon 97204-3157, telephone number (503) 227-5631, and facsimile number (503) 228-4373, its attorneys, jointly and individually, to transact all business in the Patent and Trademark Office connected therewith.

The Commissioner is requested to direct all communications regarding said patents and applications to the attention of Dennis E. Stenzel, Esq., Chernoff, Vilhauer, McClung & Stenzel, LLP, 601 S.W. Second Avenue, Suite 1600, Portland, Oregon 97204-3157.

BEND RESEARCH, INC.

Dated: Dec. 10, 2008

  
By: Bruce W. DeKock, Esq.  
Title: General Counsel

# EXHIBIT A

PC Number	US Application No. or Patent No.	Priority Date	US Filing Date	EP Publication No.	PCT Publication or Application No.
PC07476B	5,612,059	25-Sep-92	25-Sep-92	EP 0 357 369 B1	
PC07476C	5,698,220	25-Sep-92	5-Jun-95	EP 0 357 369 B1	
PC07811A	5,876,752	7-Aug-90	3-Feb-93	EP 0 542 926 B1	WO92/02212
PC08159A	5,603,953	30-Nov-92	23-May-95	EP 0 670 717 B1	
PC08160	5,358,502	25-Feb-93	25-Feb-93	EP 0 612 520 B1	
PC08160A	5,609,590	25-Feb-93	19-Oct-94	EP 0 612 520 B1	
PC08161A	5,827,538	22-Jul-93	19-May-94	EP 0 711 146 B1	WO95/03033
PC09674	09/131019	11-Aug-97	7-Aug-08	EP 0 901 786 B1	
PC09674B	09/770562	11-Aug-97	26-Jan-01		
PC09674C	10/458840	11-Aug-97	9-Jun-03		
PC09858A	10/727217	11-Dec-02	3-Dec-03	EP 1 572 163 A1	WO2004052343A1
PC10255A	09/495049	10-Feb-99	31-Jan-00	EP 1 027 886 A2	
PC10255B	10/459808	10-Feb-99	10-Jun-03		
PC10270A	6,706,283	10-Feb-99	31-Jan-00	EP 1 027 888 A2	
PC10270B	10/799,536	10-Feb-99	11-Mar-04		
PC10520A	09/495059	10-Feb-99	31-Jan-00	EP 1 027 887 A2	
PC10521A	6,548,555	9-Feb-99	31-Jan-00	EP 1 027 885 A2	
PC10521B	10/412399	9-Feb-99	11-Apr-03	EP 1 027 885 A2	
PC10738A	09/745096	23-Dec-99	20-Dec-00		WO01/47498
PC10753A	09/808559	16-Mar-00			
PC10753B	7,235,260	16-Mar-00	21-Mar-03		WO01/68092 A2
PC10755A	09/742785	23-Dec-99	20-Dec-00	WO0147495A1	
PC10818A	09/745095	23-Dec-99	20-Dec-00	EP 1 242 055 A1	WO0147500
PC10818B	11/610603	23-Dec-99	14-Dec-06	EP 1 242 055 A1	WO0147500
PC10882	09/805828	16-Mar-00	14-Mar-01		WO01/68055
PC11095A	09/920056	9-Aug-00	1-Aug-01		WO0211702A2
PC11095B	10/344171	9-Aug-00	7-Aug-03		WO0211702A2
PC11709A	10/175132	22-Jun-01	18-Jun-02	EP 1 404 300 A1	WO03/00235A1
PC11709B	11/383520	22-Jun-01	16-May-06		
PC11720	12/217700	22-Jun-01	8-Jul-08	EP 1 401 503 B1	WO03/00294 A1
PC11847	10/636834	12-Aug-02	5-Aug-03		WO2004014342A1
PC11850	10/352283	1-Feb-02	27-Jan-03	EP 1 469 826 B1	WO03063823A2
PC11876A	10/175566	22-Jun-01	17-Jun-02	EP 1 399 190 A1	WO03000292A1
PC11876B	11/213118	22-Jun-01	26-Aug-05	EP 1 399 190 A1	WO03000292A1
PC11876C	11/422133	22-Jun-01	5-Jun-06		
PC23062A	10/173987	22-Jun-01	17-Jun-02	EP 1 404 302 A1	WO03/000238A1
PC23062B	11/566408	22-Jun-01	4-Dec-06		
PC23062C	12/180769	22-Jun-01	28-Jul-08		
PC23080A	10/176462	22-Jun-01	20-Jun-02	EP 1 269 994 A2	
PC23195	6,763,607	1-Feb-02	28-Jan-03		WO03063822
PC23195B	10/766651	1-Feb-02	27-Jan-04		
PC23195C	6,973,741	1-Feb-02	27-Jan-04	EP 1 469 833 A2	
PC23198	7,030,338	24-Jul-02	23-Jul-03		WO2004009283A2
PC23203	10/351568	1-Feb-02	24-Jan-03	EP 1 469 830 A2	WO0063821A2
PC23278	10/355706	1-Feb-02	31-Jan-03	EP 1 469 829 A2	WO03063831A2
PC23278B	11/928426	1-Feb-02	30-Oct-07		
PC23280A	10/355747	1-Feb-02	31-Jan-03	EP 1 469 832 A1	WO03063833A1
PC23280B	11/924988	1-Feb-02	26-Oct-07		

PC Number	US Application No. or Patent No.	Priority Date	US Filing Date	EP Publication No.	PCT Publication or Application No.
PC25607-02		6-Feb-04	8-Dec-04		
PC25607-03		14-Sep-04	8-Dec-04		
PC25607A	11/008325	9-Dec-03	8-Dec-04	EP 1 694 657	PCT/IB04/003921
PC25836	60/577946	8-Jun-04			
PC25837	11/569433	28-May-04	18-May-05		WO2005115330A2
PC25839	10/599840	12-Apr-04	17-Nov-06	EP 1 737 433	WO2005097064A2
PC25840	11/622016	22-Jul-04	11-Jul-05		WO2006011051A1
PC25967	11/814592	28-Jan-05	16-Jan-06	EP 1 855 652 A2	WO2006079921A2
PC25968	10/590989	30-Mar-04	29-Aug-06		WO2005095950A1
PC25969	10/910448	4-Aug-03	3-Aug-04		WO2005011635A2
PC32026	10/596876	30-Dec-03	28-Nov-06		WO2005065657A2
PC32027	10/596885	31-Jan-03	10-Nov-06		WO2005065656A2
PC32125	11/814501	28-Jan-05	23-Jul-07	EP 1 845 947	WO2006079922A2
PC32170	11/579191	22-Jul-04	30-Oct-06		PCT/IB2005/002190
PC32178	60/586549	9-Jan-04			
PC32211	11/795743	8-Feb-05	20-Jul-07		WO2006085217A2
PC32280A	11/572150	16-Jul-04	4-Jul-05		WO2006008651A1
PC32394	GB 0411669.5	25-May-04			
PC32420	11/795747	2-Jan-05	20-Jul-07		WO2006082518A1
PC32660	not filed	3-Feb-05			WO2006082518A1
PC32766	11/920473	31-May-05			WO2006/129167
PC32907	11/920468	7-Jun-05			WO2006131806A2
PC33116	60/737703	16-Nov-05			WO 2007/057762
PC33221	60/949525	12-Jul-07			PCT/IB2008/001801
PC33249	60/867898	30-Nov-06			PCT/IB07/003612
PC33277	60/807950	21-Jul-06			PCT/IB07/001994
PC33358	60/912228	17-Apr-07			PCT/IB2008/000844
PC33370	60/915694	3-May-07			PCT/IB2008/001135
PC33420	60/992807	6-Dec-07			
PC33479	60/829720	17-Oct-06			WO2008047201
PC33512	60/867651	29-Nov-06			WO2008/065502
PC33513	60/867662	29-Nov-06			WO2008/065506
PC33565	60/915698	3-May-07			
PC33605	60/941755	4-Jun-07			PCT/IB2008/001352
PC33606	60/941760	4-Jun-07			PCT/IB2008/001653
PC33607	60/949522	13-Jul-07			PCT/IB2008/001776
PC33635	60/990989	29-Nov-07			
PC33687	60/992790	6-Dec-07			